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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,106	11/30/2001	Jeff M. Anderson	10006911-1	5396
7590	08/11/2005		EXAMINER	
HEWLETT-PACKARD COMPANY			NGUYEN, PHU K	
Intellectual Property Administration			ART UNIT	PAPER NUMBER
P. O. Box 272400				
Fort Collins, CO 80527-2400			2673	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/010,106	ANDERSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phu K. Nguyen	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5, 8 and 11-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5, 8, 11-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-411)  
 Paper No(s)/Mail Date. \_\_\_\_\_ GROUP 2300  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 8, and 11-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAVOIE (6,571,051) in view of BEADLE et al. (6,842,897).

As per claim 1, Savoie teaches the claimed image editing device (Savoie, figure 1, column 1, lines 22-26) comprising "an image editing program" (Savoie, column 3, lines 43-45) "a lower resolution proxy of a higher resolution image" (Savoie, column 3, lines 29-32; column 1, lines 33-36), the image editing program generating a batch of commands corresponding to edits made on the proxy" (Savoie, column 3, lines 51-54).

It is noted that Savoie does not explicitly teach "a server which provides the application program and data to a client" as claimed; instead, Savoie's application program and data are provided in the video tape recorder 101 and the floppy disc drive 107; however, Savoie's video tape and the floppy disc for storing the data and the editing commands suggests the possible use these data on different remote computer systems. Furthermore, Baedle teaches that the transmitting of application program and data between the remote computer system such as from the server to a client is well known (Baedle, column 4, lines 7-9). It would have been obvious to a person of ordinary skill in the art, in view of the teaching of Baedle, to configure Savoie's system as claimed by provide the edit program and data on-line to the client by a server because it will reduce the need to installing the edit programs on the client's system and enhances the resource of edit programs run in the client's computer by linking a plurality of stand-alone systems through a server.(Baedle, column 4, lines 6-10).

Claim 2 adds into claim 1 "programmed to await the receipt of a batch of commands" which Savoie teaches in column 6, lines 25-30 (Savoie system 301 processes the full resolution video data from the command list prepared in the remote system 101 with the lower resolution video data). It is noted that Savoie does not explicitly teach "a server which provides the application program and data to a client" as claimed; instead, Savoie's application program and data are provided in the video tape recorder 101 and the floppy disc drive 107. Baedle teaches that the transmitting of application program and data from the server to a client is well known (Baedle, column

4, lines 7-9). It would have been obvious to a person of ordinary skill in the art, in view of the teaching of Baedle, to configure Savoie's system as claimed by provide the edit program and data on-line to the client by a server because it will reduce the need to installing the edit programs on the client's system and enhances the resouce of edit programs run in the client's computer by linking a plurality of stand-alone systems (Baedle, column 4, lines 6-10).

Claim 3 adds into claim 2 "programmed to receive a batch of commands from the client and use the batch of commands to edit the higher resolution version of the proxy" which Savoie teaches in column 6, lines 25-30 (Savoie system 301 processes the full resolution video data from the command list prepared in the remote system 101 with the lower resolution video data). It is noted that Savoie does not explicitly teach "a server which provides the application program and data to a client" as claimed; instead, Savoie's application program and data are provided in the video tape recorder 101 and the floppy disc drive 107. Baedle teaches that the transmitting of application program and data from the server to a client is well known (Baedle, column 4, lines 7-9). It would have been obvious to a person of ordinary skill in the art, in view of the teaching of Baedle, to configure Savoie's system as claimed by provide the edit program and data on-line to the client by a server because it will reduce the need to installing the edit programs on the client's system and enhances the resouce of edit programs run in the client's computer by linking a plurality of stand-alone systems (Baedle, column 4, lines 6-10).

Claim 4 adds into claim 3 "programmed to store the commands that have been received as an edit history" which Savoie teaches in column 5, lines 31-32.

Claim 5 adds into claim 4 "the server is programmed to use the edit history to roll back changes in response to a request by the client" which the cited references do not teach. However, it would have been obvious to use the edit list to roll back changes because Savoie stores all the EDL in the memory 302 and these EDL can be modified to roll back changes as decided (column 7, lines 2-42) to recover the original data.

As per claim 8, Savoie teaches the claimed image editing device (Savoie, figure 1, column 1, lines 22-26) "means for transmitting a lower resolution proxy of a higher resolution image to a client" (Savoie, column 3, lines 29-32; column 1, lines 33-36), the image editing program generating a batch of commands corresponding to edits made on the proxy" " (Savoie, column 3, lines 43-45, and 51-54). It is noted that Savoie does not explicitly teach "a server which provides the application program and data to a client" as claimed; instead, Savoie's application program and data are provided in the video tape recorder 101 and the floppy disc drive 107. Baedle teaches that the transmitting of application program and data from the server to a client is well known (Baedle, column 4, lines 7-9). It would have been obvious to a person of ordinary skill in the art, in view of the teaching of Baedle, to configure Savoie's system as claimed by

provide the edit program and data on-line to the client by a server because it will reduce the need to installing the edit programs on the client's system and enhances the resource of edit programs run in the client's computer by linking a plurality of stand-alone systems (Baedle, column 4, lines 6-10).

As per claim 11, Savoie teaches the claimed image editing device (Savoie, figure 1, column 1, lines 22-26) "execute the image editing program to perform image edits on the lower resolution proxy" (Savoie, column 3, lines 29-32; column 1, lines 33-36); "generate commands corresponding to edits made on the proxy" (Savoie, column 3, lines 51-54; column 7, lines 7-9); and "upload the commands as a batch" (Savoie, column 3, lines 43-45, and 51-54). It is noted that Savoie does not explicitly teach "a server which provides an image editing program and a lower resolution proxy of a higher resolution image data to a client" as claimed; instead, Savoie's application program and data are provided in the video tape recorder 101 and the floppy disc drive 107; however, Savoie's video tape and the floppy disc for storing the data and the editing commands suggests the possible use these data on different remote computer systems. Furthermore, Baedle teaches that the transmitting of application program and data between the remote computer system such as from the server to a client is well known (Baedle, column 4, lines 7-9). It would have been obvious to a person of ordinary skill in the art, in view of the teaching of Baedle, to configure Savoie's system as claimed by provide the edit program and data on-line to the client by a server because it will reduce the need to installing the edit programs on the client's system and

enhances the resource of edit programs run in the client's computer by linking a plurality of stand-alone systems through a server (Baedle, column 4, lines 6-10).

Claim 12 adds into claim 11 "performing the image edits by displaying the proxy, receiving image edit inputs" (Savoie, column 3, lines 29-36); "overlaying a grid on the proxy, and using grid elements to compute commands in response to the image edit inputs" which the cited references do not teach. However, it would have been obvious, given the teaching of Savoie's editing full version of image data from the EDL of a lower version (column 6, lines 25-30), to configure the system as claimed by using a grid because the use of a grid provides a visual scaling representation of image in a certain resolution and improves the quality of the edited image through observation of the data in a grid coordinate when creating the edit decision list. It is noted that Savoie does not explicitly teach "a server which provides the application program and data to a client" as claimed; instead, Savoie's application program and data are provided in the video tape recorder 101 and the floppy disc drive 107. Baedle teaches that the transmitting of application program and data from the server to a client is well known (Baedle, column 4, lines 7-9). It would have been obvious to a person of ordinary skill in the art, in view of the teaching of Baedle, to configure Savoie's system as claimed by provide the edit program and data on-line to the client by a server because it will reduce the need to installing the edit programs on the client's system and enhances the resource of edit programs run in the client's computer by linking a plurality of stand-alone systems

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(Baedle, column 4, lines 16-10).

Claims 13-15 claim a network client, a system, and an image-editing program based on the computing apparatus of claim 1; therefore, they are rejected under the same reason.

Claims 16-17 claim an article for network client based on the computing apparatus of claims 1-5, therefore, they are rejected under the same reason.

Claims 18-20 claim an article for server based on the computing apparatus of claims 1-5, therefore, they are rejected under the same reason.

Claim 21 adds into claim 20 "to use the edit history to roll back changes in response to a request" which Savoie teaches in column 6, lines 42-48. It is noted that Savoie does not explicitly teach "a server which provides the application program and data to a client" as claimed; instead, Savoie's application program and data are provided in the video tape recorder 101 and the floppy disc drive 107. Baedle teaches that the transmitting of application program and data from the server to a client is well known (Baedle, column 4, lines 7-9). It would have been obvious to a person of ordinary skill in the art, in view of the teaching of Baedle, to configure Savoie's system as claimed by provide the edit program and data on-line to the client by a server because it will reduce the need to installing the edit programs on the client's system and enhances the resource of edit programs run in the client's computer by linking a plurality of stand-alone systems (Baedle, column 4, lines 16-10).

Claims 22-23 claim method of performing on-line editing based on the computing apparatus of claims 1-5, therefore, they are rejected under a same reason.

Claims 24-27 claim method of performing on-line editing based on the computing apparatus of claims 1-5, therefore, they are rejected under a same reason.

Claim 28 adds into claim 27 "using the edit history to roll back changes in response to a request" which Savoie teaches in column 6, lines 42-48. It is noted that Savoie does not explicitly teach "a server which provides the application program and data to a client" as claimed; instead, Savoie's application program and data are provided in the video tape recorder 101 and the floppy disc drive 107. Baedle teaches that the transmitting of application program and data from the server to a client is well known (Baedle, column 4, lines 7-9). It would have been obvious to a person of ordinary skill in the art, in view of the teaching of Baedle, to configure Savoie's system as claimed by provide the edit program and data on-line to the client by a server because it will reduce the need to installing the edit programs on the client's system and enhances the resource of edit programs run in the client's computer by linking a plurality of stand-alone systems (Baedle, column 4, lines 16-10).

**RESPONSE TO APPLICANT'S ARGUMENTS:**

Applicant's arguments filed May 24, 2005 have been fully considered but they are not deemed to be persuasive.

Applicant argues that "Savoire does not teach a server/client relationship" which Examiner agrees. On the rejection, Savoire is cited to teach the generating of a batch of commands corresponding for editing of a lower resolution image of a higher resolution and the storing of said generated batch of commands on tape or floppy disc enabling to use these batch of commands on different remote computers (column 3, lines 29-53). The transfer data between the remote computer systems can be done through a physical transfer of memory devices such as tape, floppy disc; or through a network of client/server as well known at the time the invention was made (Beadle, often applications or programs may be sent to a computer from a web server across the Internet, column 2, lines 15-16; column 3, line 66 to column 4, line 6). Since at the time the invention was made, the Internet had become a cultural fixture as a source of information in which when a user desire to retrieve information, a request is submitted to a server connected to the client computer. Savoire teaches the physical transferring of the command batch on a floppy disc; however, at the time the invention was made, such physical transferring of the batch of commands on a floppy disc would have been done by transferring through Internet as suggested by Beadle – column 3, line 66, to column 4, line 20). Instead of physical taking the floppy disc from one place to another, the motivation for using the Internet to transfer the data provides several clear advantages such as lower transferring time, easy access to remote location, reduce human labor, ...

Applicant argues that linking stand alone systems is irrelevant to the claimed invention, the key link is between the server and a client. However, all the stand alone

systems are linked through Internet in which a server provides the connections between the would-be stand alone systems which is now called clients. The motivation for combining the stand alone systems in which the data transfer between themselves is done through a floppy disc and a client/server in which the data transfer between the clients through the server of Internet is taking the advantages of Internet as a source of information in which the connected users share information efficiently.

For claims 14-21, the image editing program which provides a batch of commands on a lower resolution version of objects is taught by Savoire; furthermore, Savoire teaches the store and transfer the batch of commands on a floppy disc which can be used on different remote system. The transfer data between the remote computer systems can be done through a physical transfer of memory devices such as tape, floppy disc; or through a network of client/server as well known at the time the invention was made (Beadle, often applications or programs may be sent to a computer from a web server across the Internet, column 2, lines 15-16; column 3, line 66 to column 4, line 6). Since at the time the invention was made, the Internet had become a cultural fixture as a source of information in which when a user desire to retrieve information, a request is submitted to a server connected to the client computer. Savoire teaches the physical transferring of the command batch on a floppy disc; however, at the time the invention was made, such physical transferring of the batch of commands on a floppy disc would have been done by transferring through Internet as suggested by Beadle – column 3, line 66, to column 4, line 20). Instead of physical taking the floppy disc from one place to another, the motivation for using the Internet to

transfer the data provides several clear advantages such as lower transferring time, easy access to remote location, reduce human labor, ...

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272-7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, bipin Shalwala can be reached on (571) 272 7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu K. Nguyen  
July 26, 2005

*Phu Nguyen*  
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